IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1283 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMRELI JILLA MADHYASTHA SAHAKARI BANK LTD

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1283 of 1989

NOTICE SERVED for Petitioner No. 1

MR AJ DESAI Ld. AGP for Respondent No. 1-2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 21/01/2003

ORAL JUDGEMENT

1. The petitioner is a Cooperative Bank as the name suggests. The petition has been filed challenging the

inaction on the part of the respondents, especially the second respondent, in holding election of the Directors of the petitioner Bank whose term of 3 years was to expire on 1.3.1989.

2. On 27.3.1989, the following order was made after hearing the learned advocate for the petitioner by this Court (Coram - Mr. G.T.Nanavaty,J.) (as he then was) :

> "Rule. By way of ad-interim relief the respondents are directed to take immediate steps for the purpose of holding election of Directors of the petitioner Bank from the constituency of individual members."

3. Today when the matter is called out none is present on behalf of the petitioner, though served on 10..7.1997. Heard Mr. A.J.Desai, learned AGP appearing on behalf of the respondents.

4. In light of the fact that the petitioner had prayed for issuance of a writ of mandamus against the respondent no.2 for holding election of the retiring Directors, it is apparent that the present petition has become infructuous. In fact, the petitioner has already obtained the relief by way of aforesaid order directing respondent no.2 to take immediate steps for the purpose of holding of elections of Directors of the petitioner Bank.

5. In these circumstances, the petition is disposed of as having become infructuous. Rule is discharged with no order as to costs.

(D.A.Mehta,J.)

(vipul)